

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TINA MORROW,

Defendant.

)
)
)
)
)
)
)

8:08CR175

ORDER

This matter is before the court on the motion for an extension of time by defendant Tina Morrow (Morrow) (Filing No. 77). Morrow seeks an additional sixty days in which to file pretrial motions. Morrow's counsel represents that Morrow consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted, in part.

IT IS ORDERED:

1. Defendant Morrow's motion for an extension of time (Filing No. 77) is conditionally granted as set forth herein.
2. Morrow shall file an affidavit in accordance with paragraph 9 of the Progression Order (Filing No. 24) **on or before October 31, 2008**. Failure to file such an affidavit may result in the rescission of the extension granted below.
3. Morrow is given until **on or before December 5, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 24, 2008 and December 5, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 24th day of October, 2008.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge